

RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #46-09

Town of Boonton, Morris County

WHEREAS, on December 29, 2008, the Town of Boonton, Morris County, petitioned the Council on Affordable Housing (COAH) for third round substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation; and

WHEREAS, Boonton's petition was deemed complete on March 5, 2009; and

WHEREAS, on March 9, 2009, Boonton published notice of its petition in the *Daily Record*, which is a newspaper of general circulation within the county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5; and

WHEREAS, one objection to the plan was received by COAH during the 45-day objection period, which ended April 17, 2009. This objection was subsequently withdrawn on August 31, 2009; and

WHEREAS, Boonton's fair share plan addresses its modified rehabilitation obligation of 18 units, an 11-unit prior round obligation, and a 51-unit projected growth share obligation; and

WHEREAS, Boonton's plan proposes to address its 18-unit rehabilitation obligation through four credits for units rehabilitated through the Morris County Rehabilitation Program and through 14 units to be rehabilitated through the Boonton Municipal Rehabilitation Program and the Morris County Rehabilitation Program; and

WHEREAS, Boonton's plan proposes to address its 11-unit prior round obligation with five prior cycle credits from the Special Homes of New Jersey- Hillside Avenue group home and six post-1986 credits from the Special Homes of New Jersey- Boonton Avenue group home; and

WHEREAS, Boonton's plan proposes to address its 51-unit projected growth share obligation with nine prior cycle credits from the New Bridge-Highland Avenue group home, 24

post-1986 credits from various existing group homes, and 30 family rental units in the proposed Riverwalk Residences inclusionary development, leaving the Town with a 12-unit surplus; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on October 9, 2009 COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of Boonton's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH received a memorandum, dated October 14, 2009, from Eileen Swan, Executive Director, Highlands Water Protection and Planning Council, reviewing Boonton's plan for consistency with the Highlands Regional Master Plan; and

WHEREAS, the memorandum is summarized and addressed in an Addendum to the Compliance Report, dated October 19, 2009, (attached as Exhibit B and incorporated by reference herein) and does not alter the Compliance Report.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by the Town of Boonton comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(a) and after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to the Town of Boonton; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(e), Boonton shall adopt all implementing Fair Share Ordinances within 45 days of the grant of substantive certification; and

BE IT FURTHER RESOLVED that if Boonton fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Boonton shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that within 45 days of the grant of substantive certification, Boonton shall designate an Administrative Agent for its municipal rehabilitation program; and

BE IT FURTHER RESOLVED that within 45 days of the grant of substantive certification, Boonton shall submit to COAH a written operating manual for administering its municipal rehabilitation program; and

BE IT FURTHER RESOLVED that within 45 days of the grant of substantive certification, Boonton shall submit to COAH an affirmative marketing plan for the re-rental of rehabilitated units that comports with the requirements of UHAC. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Town within 45 days of COAH's approval and submitted to COAH; and

BE IT FURTHER RESOLVED that within 45 days of the grant of substantive certification, Boonton shall submit to COAH an adopted resolution of intent to appropriate funds from the general revenue or bond in the event of a funding shortfall; and

BE IT FURTHER RESOLVED that within six months of the grant of substantive certification, Boonton shall demonstrate in the form of a status report that affirmative steps have been taken to expedite the site plan approval process for the Riverwalk Residences; and

BE IT FURTHER RESOLVED that Boonton shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the Town's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Boonton's Housing Element and Fair

Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Boonton and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, COAH may direct Boonton to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Boonton shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Boonton's substantive certification shall remain in effect until December 29, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Boonton to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Towns fails to remedy, may render this certification null and void.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing at its public meeting on October 26, 2009.

A handwritten signature in black ink, reading "Reneé Reiss". The signature is fluid and cursive, with the first name "Reneé" and last name "Reiss" clearly distinguishable.

Reneé Reiss, Secretary, Council on Affordable Housing



***Council on Affordable Housing
Compliance Report
October 9, 2009***



Municipality: Town of Boonton
County: Morris County

COAH Region: 2
Planning Area: 2
Special Resource Area: Highlands

Housing Element and Fair Share Plan Adopted: 12/10/2008
Petition for 3rd Round Substantive Certification: 12/29/2008
Completeness Determination: 3/5/2009
Date of Publication: 3/9/2009

Objections Received: Yes- withdrawn on 8/31/2009

Petition Includes:

VLA: No
GPA: Yes- withdrawn on 8/13/2009
Waiver: No

Date of Site Visit: 9/18/2009

History of Approvals:

	COAH	JOC	N/A
First Round:			X
Second Round:	12/6/1995		
Extended Certification:	5/11/2005		

Plan Preparer: P. David Zimmerman, P.P., AICP

Municipal Housing Liaison: Cynthia Oravits, Town Clerk

Recommendation: Grant Substantive Certification

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	18
Prior Round Obligation	11
Projected Growth Share Obligation	51

ACTUAL GROWTH and GROWTH SHARE through September 30, 2008¹

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
75	15 units	22.75	364 units	38 units

COMPLIANCE PLAN SUMMARY

Obligation	Credit/ Mechanism Type	# Units Completed	# Units Proposed	TOTAL
Rehabilitation: 18 units				
Credits	Post-April 1, 2000	4		4
Programs	County and Municipal		14	14
Rehabilitation Subtotal				18
NEW CONSTRUCTION				
Prior Round: 11 units				
Credits	Prior Cycle	5		5
	Post-1986	6		6
Prior Round Subtotal				11
Growth Share: 51 units				
Credits	Prior Cycle	9		9
	Post-1986	24		24
Proposed Mechanisms	Inclusionary Zoning		30	30
Growth Share Subtotal				63
Surplus				+12

¹ This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Boonton's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's affordable housing fair share obligation, which is the sum of the rehabilitation share, the prior round obligation and the growth share obligation.

A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Boonton has a rehabilitation share of 57 units. However, Boonton has provided a survey of the municipal housing stock indicating that the rehabilitation share number should be reduced. Upon review of the municipal survey, COAH has determined that it satisfies the requirements of N.J.A.C. 5:97-6.2(a) and warrants a modification of the rehabilitation share to 14 units resulting in a third round adjusted rehabilitation share of 18 units (four rehabilitation units completed and 14 units proposed). However, if the demand for participation in the rehabilitation program by eligible low- and moderate-income households is greater than the modified rehabilitation share number, the Town must allow those households to participate in the rehabilitation program and provide funding up to the unadjusted rehabilitation share.

B. Prior Round Obligation

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Boonton has a prior round obligation of 11 units.

C. Projected Growth Share

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Boonton has a residential projection of 214 units and a non-residential projection of 130 jobs, which results in an initial projected growth share obligation of 51 affordable units. Boonton's total projected growth share for the period 1999-2018 is 51 affordable units consisting of a 42.8-unit projected residential growth share and an 8.1-unit projected non-residential growth share.²

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	18
Prior Round Obligation	11
Projected Growth Share Obligation	51

II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

² Pursuant to N.J.A.C. 5:97-2.2(d), Boonton's residential projection of 214 units is divided by 5 to yield 42.8 units and the non-residential projection of 130 jobs is divided by 16 to yield 8.1 units. Boonton's total projected growth share is therefore 51 units (42.8 + 8.1).

Boonton's Fair Share Plan, and the supporting documentation incorporated by reference therein, address the requirements of N.J.A.C. 5:97-3.1 as follows:

A. Plan to Address Rehabilitation Share

Rehabilitation Share Credits

Boonton is requesting credit for four units rehabilitated subsequent to April 1, 2000. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Rehabilitation Credits

Rehabilitation Program	# Credits
Morris County Rehabilitation Program	4
TOTAL	4

Proposed Rehabilitation Programs

Boonton Municipal and Morris County Rehabilitation Programs

Boonton will utilize a municipal rehabilitation program and will participate in the Morris County Rehabilitation Program to address its remaining 14 unit rehabilitation obligation.

Boonton's municipal rehabilitation program will be available to both owner-occupied and rental units. Morris County's rehabilitation program is made available only to owner-occupied units. The County program funds major system repairs and places six to ten year affordability controls on units rehabilitated through the program.

Boonton will dedicate a maximum of \$192,000 in affordable housing trust funds to its municipal rehabilitation program. This expenditure is included in Boonton's spending plan. The Town has provided a draft a resolution of intent to appropriate funds from the general revenue or bond in the event of a funding shortfall and must provide an adopted resolution within 45 days of COAH's grant of substantive certification.

Boonton must designate an administrative entity for its municipal rehabilitation program, provide an operating manual for its municipal rehabilitation program, and

provide an affirmative marketing plan for the re-rental of rehabilitated units within 45 days of COAH's grant of substantive certification.

Proposed Rehabilitation Programs

Rehabilitation Program	# Units
Boonton Municipal Rehabilitation Program and Morris County Rehabilitation Program	14
TOTAL	14

B. Plan to Address Prior Round Obligation

Prior Round Obligation Credits

Boonton is addressing its prior round obligation with five prior cycle credits and six post-1986 credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Prior Cycle Credits

Project/Development Name	Year Built	Type of Affordable Unit	# Units/Bedrooms
Special Homes of New Jersey – Hillside Avenue	1986	S/SN housing	5
TOTAL			5

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Special Homes of New Jersey – Boonton Avenue	1996	S/SN housing	6	-	0	6
TOTALS			6		0	6

Proposed Affordable Housing Mechanisms

Boonton is relying on credits and therefore is not proposing any additional affordable housing mechanisms to address its prior round obligation.

Prior Round Obligation Parameters

Boonton has satisfied the applicable prior round parameters as follows:

Prior Round Rental Obligation³: 2 Units

Development/Project Name	Type of Affordable Unit	# Units
Special Homes of New Jersey – Boonton Avenue	S/SN housing	6
TOTAL		6

C. Plan to Address Projected Growth Share

Growth Share Obligation Credits

Boonton is addressing 39 units of the projected growth share obligation with nine prior cycle credits and 30 post-1986 credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Pursuant to N.J.A.C. 5:97-4.3(c)ii, credit, however, may not be granted for the Community Hope 3- Lorraine Terrace group home, as the project is not subject to affordability controls of not less than 10 years. If the Town can demonstrate that such affordability controls exist, COAH may revisit granting this project credit.

Prior Cycle Credits

Project/Development Name	Year Built	Type of Affordable Unit	# Units/ Bedrooms
New Bridge 3 – Highland Avenue	1983	S/SN housing	9
TOTAL			9

³ Rental Obligation: $.25(\text{PRO-Prior Cycle Credits})$ or $.25(11-5) = 2$ units N.J.A.C. 5:97-3.10(b)

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Community Hope 1 – Roessler Street	1988	S/SN housing	4	-	0	4
Community Hope 2 – Lorraine Terrace	1988	S/SN housing	6	-	6	6
Community Hope 3 – Lorraine Terrace	1997	S/SN housing	0	-	0	0
New Bridge 1 – South Terrace	2007	S/SN housing	9	-	0	9
New Bridge 2 – Birch Street	2003	S/SN housing	3	-	0	3
Special Homes of New Jersey – Lorraine Terrace	1988	S/SN housing	2	-	0	2
TOTALS			24		0	24

Proposed Affordable Housing Mechanisms

Boonton proposes to address its remaining 18-unit projected growth share obligation through the following mechanisms:

Riverwalk Residences Inclusionary Development

Boonton will utilize the Riverwalk Residences inclusionary development to address 30 units of its projected growth share obligation, which constitutes 30 affordable family rental units. Boonton has additionally requested six rental bonuses for the Riverwalk development. Although the Town is not eligible at this time to receive the six rental bonuses, they may be granted in the future if the requirements of N.J.A.C. 5:97-3.6 are met.

The proposed Riverwalk development will contain a total of 148 units, which includes 118 market rate units and 30 affordable family rental units. Six of the affordable family rental units will be made available to very low-income households. Boonton will dedicate \$470,000 in affordable housing trust funds to ensure that these six units are made available to very low-income households. This expenditure is included in the Town's spending plan.

Riverwalk will be located in the Residential High-Density Zone (RH), the zoning that was adopted November 17, 2007. The RH zone permits multi-family residential buildings between three and six stories and a maximum density of 45 dwelling units per acre. Boonton has provided a draft amendment to its zoning ordinance requiring a minimum of 20 percent of the residential dwelling units constructed in any development in the RH zone be reserved for occupancy by low- and moderate-income households, to the extent this set-aside is economically feasible. If providing a 20 percent on-site set-aside is demonstrated to not be economically feasible, the draft amendment requires that the developer provide the required affordable housing units through other means consistent with COAH's regulations. This amendment to Boonton's zoning ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

Riverwalk is proposed to be developed on Block 34, Lots 1.01 and 1.02, also known as 30 Plane Street. The site is 3.6 acres in size and is surrounded by municipally owned parcels, including the municipal public works yard, as well as open space, surface parking lots and residential uses. The Boonton rail station, which is serviced by NJ Transit, is additionally in close proximity to the site. The site contains public water and public sewer in adequate capacity to accommodate the proposed development. There are no known environmental constraints that would restrict development on the site. The site is located entirely in Planning Area 2.

The parcels are presently partially developed with two structures and are both under separate ownership. Elite Properties is the contract purchaser of the two parcels and is the developer of the project. Elite has submitted an application for site plan approval to Boonton's Planning Board. This application, however, has been momentarily tabled while final negotiations between Elite and the current property owners take place. Boonton has indicated that it expects the Planning Board will hear the application in early 2010. Boonton has additionally indicated that it anticipates any approval of the Riverwalk project to include a requirement that the affordable units provided in the Riverwalk development or by its developer shall be of the number and type as set forth in the Town's substantive certification.

Proposed Growth Share Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Riverwalk Residences	Family rental	30	-	0	30
TOTALS		30		0	30

Growth Share Parameters

Boonton has satisfied the applicable growth share parameters as follows:

Growth Share Rental Obligation⁴: 13 Units

Development/Project Name	Type of Affordable Unit	# Units
Riverwalk Residences	Family rental	30
Community Hope 1 – Roessler Street	S/SN housing	4
Community Hope 2 – Lorraine Terrace	S/SN housing	6
New Bridge 1 – South Terrace	S/SN housing	9
New Bridge 2 – Birch Street	S/SN housing	3
Special Homes of New Jersey – Lorraine Terrace	S/SN housing	2
TOTAL		54

Growth Share Family Rental Requirement⁵: 7 Units

Development/Project Name	Type of Affordable Unit	# Units
Riverwalk Residences	Family rental	30*
TOTAL		30

*In accordance with N.J.A.C. 5:97-3.6(a)4, seven of these units are addressing the minimum family rental requirement and are therefore not eligible to receive any future rental bonuses.

⁴ Projected Growth Share Rental Obligation: $.25(\text{Projected Growth Share})$ or $.25(51)=13$ units N.J.A.C. 5:97-3.10(b)3

⁵ Projected Growth Share Family Rental Requirement: $.5(\text{Projected Growth Share Rental Requirement})$ or $.5(13)=7$ units N.J.A.C. 5:97-3.4(b)

Growth Share Minimum Family Requirement⁶: 26 Units

Development/Project Name	Type of Affordable Unit	# Units
Riverwalk Residences	Family rental	30
TOTAL		30

Very Low Income Minimum Requirement⁷: 6 Units

Development/Project Name	Type of Affordable Unit	# Units
Riverwalk Residences	Family rental	6
TOTAL		6

Age-Restricted Maximum⁸: 12 Units

Development/Project Name	Type of Affordable Unit	# Units
N/A	-	0
TOTAL		0

Bonus Maximum⁹: 12 Bonuses

Development/Project Name	Type of Bonus	# Bonuses
Riverwalk Residences	Rental	0*
TOTAL		0

*The Town is not eligible at this time to receive the six rental bonuses it has requested. These bonuses may be granted in the future if the requirements of N.J.A.C. 5:97- 3.6 are met.

Actual Growth Share Obligation

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units

⁶ Projected Growth Share Family Requirement: .5(Units Addressing the Growth Share Obligation) or .5(51)= 26 units N.J.A.C. 5:97-3.9

⁷ Growth Share Very Low Income Requirement: .13(Units Addressing the Growth Share Obligation) or .13(51)= 6 units pursuant to P.L.2008, c.46

⁸ Projected Growth Share Age Restricted Maximum: .25(Projected Growth Share) or .25(51)= 12 units N.J.A.C. 5:97-3.10(c)

⁹ Projected Bonus Maximum: .25(Projected Growth Share) or .25(51)= 12 units N.J.A.C. 5:97-3.20

constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 30, 2008, Boonton issued certificates of occupancy for 75 housing units and for the non-residential square footage equivalent of 364 jobs, yielding an actual growth share obligation through September 30, 2008, of 38 affordable units.¹⁰

D. Summary of Plan to Address Fair Share Obligation

REHABILITATION SHARE SUMMARY
Rehabilitation Share: 18 Units

Program Name	Credits	Proposed
Morris County Rehabilitation Program/ Boonton Municipal Rehabilitation Program	4/0	14
Subtotal	4	14
TOTAL		18

PRIOR ROUND SUMMARY
Prior Round Obligation: 11 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	Special Homes of New Jersey – Hillside Avenue	5			5
Post-1986 Credits	Special Homes of New Jersey – Boonton Avenue	6	-	0	6
	Subtotal	11		0	
	TOTAL				11

¹⁰ The number of residential COs (75) is initially divided by 5 to yield 15 units and the number of jobs (364) is initially divided by 16 to yield 22.75 units. Boonton's total actual growth share is therefore 36 units (15 + 22.75) **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.4; therefore, the actual growth share may vary.

GROWTH SHARE SUMMARY
Projected Growth Share Obligation: 51 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	New Bridge 3 – Highland Avenue	9			9
Post-1986 Credits	Community Hope 1 – Roessler Street	4	-	0	4
	Community Hope 2 – Lorraine Terrace	6	-	0	6
	Community Hope 3 – Lorraine Terrace	0	-	0	0
	New Bridge 1 – South Terrace	9	-	0	9
	New Bridge 2 – Birch Street	3	-	0	3
	Special Homes of New Jersey – Lorraine Terrace	2	-	0	2
Proposed Mechanism	Riverwalk Residences Inclusionary Development	30	Rental	0	30
Subtotal		63		0	
TOTAL					63
Surplus					+12

III. FAIR SHARE DOCUMENT REVIEW

A. Development Fee Ordinance

Boonton submitted a draft development fee ordinance for COAH's review and approval with its third round petition. The development fee ordinance will be reviewed by COAH in a separate report.

B. Third Round Spending Plan

A third round spending plan was submitted by Boonton with the Town's third round petition for COAH's review and approval. The spending plan will be reviewed by

COAH in a separate report.

C. Affordable Housing Ordinance/Affordable Housing Administration

Boonton has submitted a draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which was amended on December 20, 2004. The draft proposed ordinance has been amended to comply with the barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The Inclusionary Zoning section of the draft ordinance must be amended to incorporate the proposed amendment to the RH zone and submitted to COAH within 45 days of COAH's grant of substantive certification and adopted within 45 days of COAH's approval.

An ordinance establishing the position of a municipal housing liaison and a resolution appointing a municipal housing liaison were adopted by Boonton on May 4, 2009 and May 18, 2009 respectively.

Boonton is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Town and must identify an experienced administrative entity for that purpose by contract, agreement or letter. Boonton must designate an administrative entity for its municipal rehabilitation program within 45 days of the grant of substantive certification. Pursuant to N.J.A.C. 5:80-26.14(b), Boonton must submit a written operating manual for administering the municipal rehabilitation program within 45 days of the grant of substantive certification.

D. Affirmative Marketing Plan

Boonton must submit an affirmative marketing plan for the re-rental of rehabilitated units within 45 days of the grant of substantive certification for COAH's approval that comports with the requirements of UHAC. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Town within 45 days of COAH's approval and submitted to COAH.

IV. MONITORING

Boonton must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify Boonton in writing and the Town may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Boonton's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Boonton and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall.

V. RECOMMENDATION

COAH staff recommends that Boonton be granted third round substantive certification. Boonton must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH immediately upon adoption. Boonton must additionally submit the following:

1. Boonton must designate an administrative entity for its municipal rehabilitation program within 45 days of COAH's grant of substantive certification.
2. Pursuant to N.J.A.C. 5:80-26.14(b), Boonton must submit a written operating manual for administering its municipal rehabilitation program within 45 days of COAH's grant of substantive certification.
3. Boonton must submit an affirmative marketing plan for the re-rental of rehabilitated units within 45 days of the grant of substantive certification for COAH's approval that comports with the requirements of UHAC. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Town within 45 days of COAH's approval and submitted to COAH.
4. The Inclusionary Zoning section of Boonton's draft affordable housing ordinance must be amended to incorporate the proposed amendment to the RH zone and be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.
5. The amendment to Boonton's zoning ordinance modifying the requirements of the RH zone must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.
6. The Town must provide within 45 days of COAH's grant of substantive certification an adopted resolution of intent to appropriate funds from the general revenue or bond in the event of a funding shortfall.

**COAH REPORT IN RESPONSE TO COMMENTS
RECEIVED REGARDING COMPLIANCE REPORT
TOWN OF BOONTON / MORRIS COUNTY
REGION #2
October 19, 2009**

During the 14-day comment period to the Town of Boonton's Compliance Report, a memorandum was received from Eileen Swan, Executive Director, Highlands Water Protection and Planning Council. The memorandum does not alter the Compliance Report.

Highlands Water Protection and Planning Council Comments

On October 14, 2009, COAH received a memorandum from Eileen Swan, Executive Director, Highlands Water Protection and Planning Council, reviewing and commenting on the Town of Boonton's proposed Fair Share Plan. Specifically, the Highlands Council reviewed the proposed Riverwalk inclusionary development for consistency with the Highlands Regional Master Plan (RMP).

The memorandum describes the characteristics of the Riverwalk development and outlines the relevant goals, policies, and objectives in the RMP. The memorandum notes that the Riverwalk development will be located in the Highlands Planning Area. Further, in regard to the Riverwalk development site, the memorandum states that:

The property has been almost completely disturbed, thereby limiting any potential impacts to Highlands Resources. There is however a concern that the development may affect the Historical Resources present on the site. If this project is pursued, site design would need to address this issue.

COAH's Response

COAH notes the Highlands Council's assessment of the site for the proposed Riverwalk development and concurs that the site is available, approvable, developable and suitable. With regard to historic resources, pursuant to N.J.A.C. 5:97-3.13(b)5, COAH's regulations contain provisions for review of historic and architecturally important sites and districts listed on the State or National Register of Historic Places.